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5 UNITED STATES DISTRICT COURT  
6 EASTERN DISTRICT OF WASHINGTON

7 DAMIAN GARZA CANTU,  
8  
9 Plaintiff,

10 v.

11 YAKIMA COUNTY, JOSEPH  
12 BRUSIC, PATRICIA POWERS,  
13 CARL MUNSON, & UNKNOWN  
14 INDIVIDUALS,

15 Defendants.

CASE NO.: 1:16-CV-3206-TOR

**AMENDED ORDER GRANTING  
DEFENDANTS' RENEWED MOTION  
TO DISMISS**

16 THE COURT HEREBY AMENDS, pursuant to Fed. R. Civ. P. 60(a), the  
17 Order Granting Defendants' Renewed Motion to Dismiss (ECF No. 20).

18 As the Court previously recited, on October 21, 2016, Plaintiff sued  
19 Defendants in the Washington State Superior Court for Yakima County styled,  
20 *Damian Garza Cantu v. Yakima County, et al.*, case no. 16-2-03007-39. ECF No.  
2-2 at 9-18. Defendants timely removed that action to this Court pursuant to 28

**AMENDED ORDER GRANTING DEFENDANTS' RENEWED MOTION TO  
DISMISS ~ 1**

1 U.S.C. § 1443. ECF No. 1. While dismissing Plaintiff's § 1983 claims, the Court  
2 declined to exercise supplemental jurisdiction over Plaintiff's remaining state law  
3 claims. *See* 28 U.S.C. § 1367(c)(3). Since the court declined to exercise  
4 supplemental jurisdiction, remand, rather than dismissal of the state claims is the  
5 appropriate procedural posture of the case.

6 **ACCORDINGLY, IT IS HEREBY ORDERED:**


7 1. The Court's Order Granting Defendants' Renewed Motion to Dismiss  
8 (ECF No. 20) is **AMENDED** as indicated.

9 2. Pursuant to 28 U.S.C. § 1447, Plaintiff's state law claims are not  
10 dismissed, but are rather **REMANDED** to the Washington State Superior  
11 Court for Yakima County for all further proceedings.

12 The District Court Executive is directed to enter this Order, enter an  
13 Amended Judgment accordingly, provide copies to counsel, mail a certified copy  
14 of this Order and the July 28, 2017 Order Granting Defendant's' Renewed Motion  
15 to Dismiss (ECF No. 20) to the Clerk of the Yakima County Superior Court, and  
16 **CLOSE** this file.

17 DATED: August 3, 2017.



  
THOMAS O. RICE  
Chief United States District Judge